

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Herbert Demond York,)	C/A No.: 1:16-3971-RMG-SVH
)	
Plaintiff,)	
vs.)	
)	ORDER
Warden Larry Cartledge, Lieutenant A.)	
Young, and Director Michael McCall,)	
)	
Defendants.)	

Herbert Demond York (“Plaintiff”), proceeding pro se and in forma pauperis, filed this action pursuant to 42 U.S.C. § 1983, alleging violations of the Eighth Amendment regarding conditions of confinement and cruel and unusual punishment. This matter comes before the court on Plaintiff’s motion to stop retaliation [ECF No. 39], in which he alleges that Lieutenant A. Young retaliated against him by placing him in the Restrictive Housing Unit (“RHU”), Cell #147. Defendants filed a response. [ECF No. 44].

Plaintiff’s one-page motion does not specifically identify the relief he seeks. Plaintiff alleges he was placed in cell #147 out of retaliation. He claims Cell #147 was dirty. According to the affidavit of Jaki Murrell, administrative assistant to Warden Bush, Plaintiff was placed in RHU for attempting to assault Warden Bush. Murrell Aff. ¶ 6 [ECF No. 44-1]. Murrell states that Cell #147 was the only RHU cell available and that Plaintiff was moved to Cell #143 two days later when it became available. *Id.*

Because Plaintiff is no longer in Cell #147, Plaintiff’s motion is denied as moot.

IT IS SO ORDERED.



September 26, 2017
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge